

**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH**

**PRESENT: HON'BLE SHR K. ANANTHA PADMANABHA SWAMY – MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 10.10.2018 AT 10.30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA NO. 886/252/HDB/2018
NAME OF THE COMPANY	Anuska Home Pvt Ltd
NAME OF THE PETITIONER(S)	Anuska Home Pvt Ltd
NAME OF THE RESPONDENT(S)	Registrar Of Companies , Hyderabad
UNDER SECTION	252

**Counsel for Petitioner(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**Counsel for Respondent(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**ORDER**

Order pronounced in open court. Application is allowed vide separate order.



MEMBER JUDICIAL

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH, HYDERABAD**

**CA No.886/252/HDB/2018**

U/s. 252 of the Companies Act, 2013

**Order delivered on: 10.10.2018**

**In the matter of  
M/s. ANUSHKA HOMES PRIVATE LIMITED.  
(CIN: U45209TG2012PTC080221)**

**Between:-**

M/s.Anushka Homes Private Ltd.

Regd. Office is at H.No.11-1-42, Zinkalawada Lane,  
No.2, Zinkalawada, Balanagar Mandal, Ranga Reddy,  
Telangana – 500 018.

Represented by its Director-cum-Shareholder,  
Mr. Sanjeet Kumar.

...Applicant Company

**Vs.**

The Registrar of Companies, Hyderabad  
For Andhra Pradesh and Telangana,  
Corporate Bhavan, 2<sup>nd</sup> Floor,  
GSI Post, Tattiannaram,  
Bandlaguda, Hyderabad,  
Telangana – 500 068.

...Respondent

**Parties/Counsels Presents:**

*For the Applicant Company: Smt.A.Padmasri, PCS*

*For the Respondent: Shri. T.Sujan Kumar Reddy, CGSC.*



**Per: K.ANANTHA PADMANABHA SWAMY,**  
**MEMBER (JUDICIAL)**

1. This is a Company Application No.886/252/HDB/2018 filed under section 252 of the Companies Act, 2013 (hereinafter called as the Act) filed by M/s. Anushka Homes Private Limited (hereinafter called as Applicant Company) represented by its Director-cum-Shareholder Mr.Sanjeet Kumar, seeking a direction to the Registrar of Company, Hyderabad (the RoC) to restore the name of the Applicant Company in the Register of Companies maintained by Registrar of Companies.
2. The Board of Directors of the Applicant Company in the meeting held on 27.02.2015 resolved to file application seeking restoration of the Company and further authorized Mr.Sanjeet Kumar, Director-cum-Shareholder to file this application on behalf of the Applicant Company.
3. Brief averments of the Application are that the Applicant Company was incorporated on 11.04.2012 under the Companies Act, 1956 in the state of erstwhile Andhra Pradesh and the Authorised Share Capital of the Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand Only)

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equity shares of Rs.10/- each and the issued, Subscribed & Paid up share capital of the Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand Only) Equity Shares of Rs.10/- each. There are Two Shareholders and two Directors in the Applicant Company.

4. The main objectives of the Applicant Company are specified in the Memorandum of Association (in short **MOA**). The Applicant Company has failed to file its Annual Returns as well as Financial Statements for the financial years from 2013-14 onwards. The reason given by the Applicant Company for non-filing of returns was due to some operational issues and financial crises.

5. The Respondent (Registrar of Companies, Hyderabad) has therefore initiated action under section 248 of the Companies Act, 2013 (hereinafter referred to as 'the Act') for striking off the name of the Applicant Company from the Register of Companies and consequently the name of the Applicant Company was struck off from the Register of Companies vide **Order No.ROC (H)/248 (5)/STK-7/2017** and was published in the Gazette of India dated 21.07.2017 under Sl.No.15921.



6. It is submitted that the Applicant Company is incorporated with the object of doing real estate business. Due to demonetisation few projects were got postponed and now as the real estate sector in Hyderabad and outside Hyderabad is again showing promising opportunities. The Applicant Company has a base now to revive its operations and also resolve the issue which were pending in the matter of Delhi based construction activities.
7. As a measure of proof, the Applicant Company submitted the copies of computation of Income Tax for the Assessment year 2013-14 to 2017-18 along with financial statements for the year 2012-13 to 2016-17. The Applicant Company has filed affidavit stating that it has not received any deposit of huge amount of cash in violation of Income Tax Act/Rules, or any other applicable Banking Rules and Regulations, post Demonetisation.
8. Therefore, the present Application is filed for restoration of the name of the Company in the Register of Companies maintained by Registrar of Companies, Hyderabad.
9. The Registrar of Companies, Hyderabad who is Respondent herein, has filed Counter Affidavit

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wherein the details of the Applicant Company such as date of incorporation, address of the registered office and its main objects as per the memorandum of association are mentioned. While submitting the above facts the ROC has stated that the Application may be considered on merits and to direct the Applicant Company to file all pending financial statements and Annual Returns and pass orders imposing costs on the Applicant Company. The RoC has inter-alia mentioned in the counter statement that the Applicant Company be directed to file an undertaking stating that the accounts of the Applicant Company were not used as means to transact tainted money during the period of demonetisation.

10. Heard. Perused pleadings and the documents filed in support of the contention of both the parties.

### **ORDER**

1. Having satisfied with the reasons as mentioned in the Application, the Tribunal is of the opinion that it would be just and proper to order and restoration of name of the Applicant Company in the Register of Company.

2. The Applicant shall file all the pending financial statements and Annual Returns with ROC as per the Act and Rules made there under. The Applicant Company filed an Affidavit stating that the Company was not involved in money laundering activities during the demonetisation period or any unlawful activities during the relevant period.
3. Further the Applicant Company is directed to pay the cost of Rs.10,000/- (Rupees Ten Thousand Only) to the ROC while submitting the documents. This is for the expenses to be incurred by ROC for publication in the Official Gazette and for other related expenses. Accordingly the Application is allowed.
4. The ROC is directed to restore the Company in the Register of Companies. The Applicant is directed to place this order with ROC within 30 days from the date of receipt of this order.
5. Accordingly the Company Application No.886/252/HDB/2018 stands **disposed of**.



**K.ANANTHA PADMANABHA SWAMY**  
**Member (Judicial)**